

2004 APR -5 A 9:57

Suite 800 Illinois Building
607 East Adams Street
P O Box 5131
Springfield, IL 62705

P 217 544 1144
F 217 522 3173

www.sorlinglaw.com

James M. Morphew
Attorney at Law
217 544-1144
jmmorphew@sorlinglaw.com

March 29, 2004

VIA TELEFAX: 202/219-3923

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RE: MUR 5406

Dear Mr. Jordan:

I represent the Sangamon County Democratic Central Committee and its Chairman, Patrick T. Timoney in the above-referenced matter. My purpose in writing is to demonstrate that no further action should be taken by the Federal Election Commission against my clients in this matter.

The allegations against my clients are limited to paragraph 23a of the Complaint, which states:

Complainant alleges, upon information and belief that, in a provision circumvention scheme, the Committee, Hynes for Senate, arranged, received and accepted contributions of unrestricted state campaign funds from its allied Illinois state campaign finance committee, Friends of Dan Hynes, and from other Illinois state campaign finance committees in order to indirectly receive monies contributed by corporations, unions, foreign nationals, federal government contractors and contributors who have already reached federal contribution limits, all of which monies would be barred from direct receipt by the federal Committee

R Gerald Barris
Stephen A Tagge
Michael A Myers
C Clark Germann
Gary A Brown
Frederick B Hoffmann
William R Enlow
Michael C Connelly
John A Kauerauf
James M Morphew
Stephen J Bochenek
David A Rolf
Peggy J Ryan
Mark K Cullen
Thomas H Wilson
Todd M Turner
R Lee Allen
Charles J Northrup

Elizabeth A Urbance
E Zachary Dinardo
James G Fahey
Jeffrey R Jurgens
Michael G Horstman Jr
Jennifer M Ascher
Lisa A Petrilli

Charles H Northrup
Philip E Hanna
Patrick V Reilly
William S Hanley
William B Bates
Mark H Ferguson
of counsel

Sorling, Catron and
Hardin
1944-1975

Carl A Sorling
1944-1991

B Lacey Catron Jr
1944-1959

John H Hardin
1945-1978

George W Cullen
1950-1986

Thomas L Cochran
1956-1994

March 29, 2004

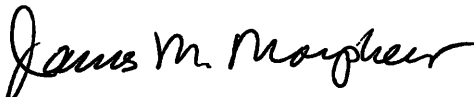
all in violation of the Federal Election Campaign Act. 2 USC §441;
11 C.F.R. §110.3(d).

The chart set forth in paragraph 23a alleges that the Sangamon County Democratic Central Committee contributed \$1,000 to Hynes for Senate on September 23, 2003. My clients admit that this contribution was made to the Hynes for Senate Committee.

However, the Commission should take no further action against my clients because the contribution at issue fully complies with the Federal Election Campaign Act and applicable federal regulations. As demonstrated by the attached affidavit of Mr. Timoney, at the time the contribution in question was made, the Sangamon County Democratic Central Committee had sufficient funds to legally support this contribution. Thus, this was not an effort by my clients, as alleged, to contribute funds to facilitate the indirect receipt by the Hynes for Senate Committee of funds contributed by corporations, unions and others "who have already reached federal contribution limits..." There is no evidence that this contribution came from a source prohibited by federal law. To the contrary, this contribution is specifically allowed under the Federal Election Campaign Act and federal regulations.

Therefore, I respectfully request that the Federal Election Commission take no further action in this matter against the Sangamon County Democratic Central Committee and Patrick T. Timoney, its Chairman.

Sincerely,



James M. Morphey

JMM:dh

Enclosure

25044110561

BEFORE THE FEDERAL ELECTION COMMISSION

GERALD L. JAECKS,

Complainant,

v.

MUR 5406

DANIEL W. HYNES, HYNES FOR SENATE,
19TH WARD DEMOCRATIC ORGANI-
ZATION, THOMAS C. HYNES, ROSEMARY
BILECKI, PETER BILECKI, 43RD WARD
DEMOCRATIC PARTY, PEGGY A. ROTH,
CHARLES R. BERNARDINI, FRIENDS OF VI
DALEY, THOMAS S. MOORE, VI DALEY,
FRIENDS OF DAN HYNES, JOHN
SHERIDAN, MADISON COUNTY
DEMOCRAT CENTRAL COMMITTEE, MAC
WARFIELD, SANGAMON COUNTY
DEMOCRATIC CENTRAL COMMITTEE,
PATRICK T. TIMONEY, DONALD E.
STEPHENS COMMITTEEMAN'S FUND,
BRADLEY STEPHENS and DONALD E.
STEPHENS,

Respondents.

AFFIDAVIT OF PATRICK T. TIMONEY

STATE OF ILLINOIS)

)SS.

COUNTY OF SANGAMON)

PATRICK T. TIMONEY, duly sworn on oath, on personal knowledge hereby deposes
and states as follows:

1. I am the Chairman of the Sangamon County Democratic Central Committee
("Sangamon County Committee"), a local party committee.

2. The Sangamon County Committee contributed \$1,000 to Hynes for Senate, a federal authorized committee, on or about September 23, 2003. The Sangamon County Committee did not contribute any other funds to any federal candidate in 2003.

3. At the time of that contribution, the Sangamon County Committee had received sufficient funds subject to the limitations and prohibitions of the Federal Election Campaign Act and the requirements of 11 C.F.R. §300.31 to make such a contribution, as required by 11 C.F.R. § 102.5(b)(2)(ii).

FURTHER AFFIANT SAYETH NOT.

DATED this 29th day of March, 2004.


PATRICK T. TIMONEY

Subscribed and sworn to before me this 29th day of March, 2004.


Notary Public

